



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9854 [www.mynevadacounty.com/cda](http://www.mynevadacounty.com/cda)

Planning Department  
Fax (530) 265-9851

Environmental Health  
Fax (530) 265-9853

Building Department  
Fax (530) 265-9854

Code Compliance  
Fax (530) 265-9851

Housing Division  
Phone (530) 265-1388  
Fax (530) 265-9845

Agricultural Commissioner  
255 S. Auburn Street  
Grass Valley, CA  
Phone (530) 273-2648  
Fax (530) 273-1713

June 15, 2006

Mr. Don Johnson  
Assistant Secretary  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

RE: Your Letter to Jess Montoya Dated April 21, 2006

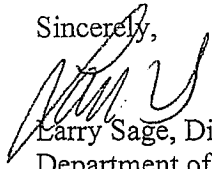
Dear Mr. Johnson:

Subject to your letter referenced above, attached herewith is our response in the format requested. In reviewing this response, I trust you will find that Nevada County Department of Environmental Health continues to improve in the implementation of the CUPA program.

For your records, Mr. Steven DeCamp has replaced Mr. Montoya as Nevada County Community Development Agency Director.

Should you have question regarding the accompanying response and documentation, please contact us.

Sincerely,

  
Larry Sage, Director  
Department of Environmental Health

cc: Steven DeCamp, Director Nevada County Community Development Agency  
Tracy Gidel, CUPA Program Manager

## **Deficiencies And Corrective Action**

### **1. Deficiency:**

The CUPA has not inspected all businesses subject to the Business Plan, CalARP, and Hazardous Waste programs. During the fiscal year 2003-2004, the CUPA inspected 21% of the Business Plan facilities, 0% of the CalARP facilities, and 15% of the Hazardous Waste generators. During fiscal year 2002-2003, the CUPA inspected 20% of the Business Plan facilities, 0% of the CalARP facilities, and 14% of the Hazardous Waste generators.

### **CUPA Corrective Action:**

As discussed at the time of the CUPA evaluation, additional staffing has been added and is being trained. In addition, management changes have been implemented so that the CUPA program manager is now working exclusively with the CUPA program. The CUPA has increased the number of inspections and will continue to do so as staff becomes adequately trained.

### **2. Deficiency**

The CUPA is not assessing or collecting the CalARP surcharge from the 9 stationary sources in Nevada County. Although the CUPA has been assessing and collecting local fees from these CalARP stationary sources, they have not assessed or collected the CalARP surcharge from these regulated businesses.

### **CUPA Corrective Action:**

The CalARP facilities will have been entered into the EH database and will be invoiced at the next billing cycle.

### **3. Deficiency:**

The CUPA has not ensured that businesses, found to have minor violation, are submitting certifications that indicate the business' return to compliance within the mandated 30-day timeframe. Documentation certifying the businesses return to compliance was not found in any of the administrative files reviewed.

### **CUPA Corrective Action:**

We had the forms on order. They were in shortly following the audit and put into use. Note that in at least one instance, the business refused to sign the form. In such cases, we conduct a re-inspection and bill the operator.

### **4. Deficiency**

The CUPA has not completed any annual self audit reports since they were certified by Cal/EPA. However, the evaluation team found useful information in the County's proposed 05/06 budget document that summarized the CUPA's accomplishments in the prior year and their work objectives for the upcoming fiscal year

### **CUPA Corrective Action:**

As discussed at the CUPA audit, the Department is installing new software that will allow the CUPA to complete self-audit reports. This software is currently being installed, but due to vendor delays, will not be functional until some time this fall. Once the software is functional, the CUPA will be able to complete the required reports.

### **5. Deficiency**

The CUPA is not adequately tracking information, which is necessary to accurately complete the annual state summary reports. Currently the CUPA pieces information together collected by inspectors to

complete the summary reports. This has led to some inconsistencies in the summary report data. For example:

- On summary report 3 for the 2003-2004 FY, the CUPA reported 1 CalARP facility. The CUPA actually has 9.
- On summary report 4 for the 2003-2004 FY, the CUPA reported 0 civil or criminal referrals. However, the CUPA has 6 cases currently pending with the District Attorney and Circuit Prosecutor.

**CUPA Corrective Action:**

Please see response to 4 above.

**6. Deficiency**

The CUPA's operating permit does not contain all the required conditions. Permits do not have a statement indicating that the monitoring, response, and plot plans are to be maintained on site.

**CUPA Corrective Action:**

This has been corrected.

**7. Deficiency**

The files do not contain current UST operating permits. The permits in two files reviewed had expiration dates from 2003. Another permit was issued for tank installation only (no other related parts to be installed), with no expiration date. Permits are issued when fees are paid. The CUPA stated that all permits are current.

**CUPA Corrective Action:**

This correction is underway. As permits are issued, the new permit has been added to the file.

**8. Deficiency**

The CUPA is not ensuring that businesses certify, at least once every three years, that they have reviewed and updated the Business Plans. Four out of ten business plans and corresponding administration record files reviewed (NC Airport Air Park, NC WWTP, Agate Sales Inc., Milhous Ranch) contained no such certifications.

In addition, the CUPA is not ensuring that each business annually submits its hazardous materials inventory or a certification statement on or before March 1 to the CUPA or AA and local fire agencies. Three out of ten business plans and corresponding administration record files reviewed (NC Airport Air Park, NC WWTP, Agate Sales Inc.) did not have current inventories or certification statements..

**CUPA Corrective Action:**

This is being corrected with the additional staffing discussed previously. The CUPA has provided the forms and information for compliance available to the business on the Public Web page: <https://docs.co.nevada.ca.us/dsweb/View/Collection-8554>. The Page is updated as necessary to provide the most current information. Staff has begun to assist filling out the business plans with the operator when it is observed that there is need to update the existing submittal. This has assisted in achieving a greater level of compliance.

**9. Deficiency**

The CUPA is not regulating agricultural handlers under the Business Plan Program. The CUPA has indicated that an agreement exists with the Agricultural Commissioner to regulate such handlers. However, no such agreement could be produced.

**CUPA Corrective Action:**

There have been repeated attempts to develop a protocol for achieving compliance with this issue. It has been agreed that the Agricultural Commissioner will include the attached information with his monthly newsletter to the Farm Bureau. The Agricultural Commissioner has also agreed to provide the department with a list of all the registered farms in the County. Depending upon the response from the Agricultural Commissioner newsletter, a spot-check follow up is proposed.

The current Agricultural Commissioner is retiring in July 2006. The CUPA will work with the new Ag Commissioner to complete this requirement.

**10. Deficiency**

The CUPA has not established or implemented a CalARP dispute resolution process

**CUPA Corrective Action:**

The process has been developed and is in place should it be needed. A copy is attached.

**11. Deficiency**

The CUPA has not taken appropriate enforcement for violations found at Odyssey Metalworks. Formal enforcement was not taken for a Class I violation and repeat Class II violations. The facility file for Odyssey Metalworks was reviewed and the following was found:

- The facility was inspected on 9/3/03 and the following violations were found. No Business Plan on file, No EPA ID#, No waste determination (Class II), and illegal disposal (Class I).
- An inspection was also conducted on 4/21/04 and the following violations were found. No approved secondary containment, improper waste determination on manifest (Class II), improper labeling, improper management of drums, no spill control and decontamination equipment.
- It appears that the business may be treating the hazardous waste prior to disposal without a permit.
- The file did not contain documentation demonstrating that the business returned to compliance.

**CUPA Corrective Action:**

Due to the lapse in time since the violations, the Department does not intend to pursue enforcement on the violation noted in the deficiency above. The Facility submitted a business plan to the department in November 2003 and filed a Business Plan Certification in June 2004.

This case is currently being investigated by the CUPA. Over the course of completely moving the entire Environmental Health Department (and CUPA) two times in the last 4 months, some files remain packed. CUPA staff will follow up to ensure compliance.